

JF130 U.S. PTO
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As modified by Blakely, Sokoloff, Taylor & Zafman LLP

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004524.P078
(maximum 12 characters)

First Named Inventor J. Timothy Jackson

Title: METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN ASYNCHRONOUS
COMMUNICATION CHANNEL

Express Mail Label No. EL861982689US

10/08/399
03/01/02
PTO/SB/05 (03-01)

ADDRESS TO: **Assistant Commissioner for Patents**
Box Patent Application
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant Claims Small Entity Status. (37 CFR 1.27)
3. Specification (Total Pages 28)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawings(s) (35 USC 113) (Total Sheets 5)
5. Oath or Declaration (Total Pages 5)
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 18 completed)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. Unsigned.
6. Application Data Sheet. (37 CFR 1.76)
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on
 - i. CD-ROM or CD-R (2 copies), or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. _____ Assignment Papers (cover sheet & documents(s))
10. _____ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- _____ b. Power of Attorney
11. _____ English Translation Document (if applicable)
12. _____ a. Information Disclosure Statement (IDS)/PTO-1449
- _____ b. Copies of IDS Citations
13. _____ Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. _____ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17A. Other: Certificate of mailing with copy of return receipt postcard signed by attorney.

17B. Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

18A. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet Under 37 C.F.R. 1.76:

| | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Continuation | <input type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP) |
| Of Prior Application No.: _____ | Examiner _____ | Group Art Unit _____ |
| (which is a <input type="checkbox"/> continuation/ <input type="checkbox"/> divisional/ <input type="checkbox"/> CIP of prior application no. _____, | | |
| which is a <input type="checkbox"/> continuation/ <input type="checkbox"/> divisional/ <input type="checkbox"/> CIP of prior application no. _____) (List entire chain of priority) | | |

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that _____ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. _____ Frame No. _____ (or a copy of which is attached).

19. Correspondence Address
 Customer Number or Bar Code Label _____
 _____ or _____ (Insert Customer No. or Attach Bar Code Label here)
 Correspondence Address Below
 NAME Lawrence E. Lycke
 ADDRESS BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
 CITY Los Angeles STATE California ZIP CODE 90025-1026
 Country U.S.A. TELEPHONE (206) 292-8600 FAX (206) 292-8606

Name (PRINT/TYPE): Lawrence E. Lycke Registration No.: 38,540
 Signature: Lawrence E. Lycke Date: March 1, 2002

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor J. Timothy Jackson
Title METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN ASYNCHRONOUS
COMMUNICATIONS CHANNEL
Attorney Docket No. 004524.P078

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 1, 2002

Date



Signature

Lawrence E. Lycke

Typed or Printed Name

38,540

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(ii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

FEE TRANSMITTAL FOR FY 2001TOTAL AMOUNT OF PAYMENT (\$) \$1,448.00

Complete if Known:

Application No. Not yet assignedFiling Date HerewithFirst Named Inventor J. Timothy Jackson

Group Art Unit _____

Examiner Name _____

Attorney Docket No. 004524.P078**METHOD OF PAYMENT** (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
Deposit Account Name _____ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. Payment Enclosed:

Check
 Money Order
 Other

FEE CALCULATION**1. BASIC FILING FEE**

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u> | <u>Fee Paid</u> |
|---------------------|---------------------|------------------------|------------------------------------|
| Fee Code | Fee (\$) | Fee Code (\$) | |
| 101 | 740 | 201 | Utility application filing fee |
| 106 | 330 | 206 | \$740.00 |
| 107 | 510 | 207 | Design application filing fee |
| 108 | 740 | 208 | |
| 114 | 160 | 214 | Plant filing fee |
| | | 80 | Reissue filing fee |
| | | | Provisional application filing fee |
| SUBTOTAL (1) | | | \$ 740.00 |

2. EXTRA CLAIM FEES

| | <u>Extra Claims</u> | <u>Fee from below</u> | <u>Fee Paid</u> |
|--------------------|---------------------|-----------------------|----------------------|
| Total Claims | 50 | - 20** = 30 | X \$18.00 = \$540.00 |
| Independent Claims | 5 | - 3** = 2 | X \$84.00 = \$168.00 |
| Multiple Dependent | | | = |

**Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

| <u>Fee</u> | <u>Fee</u> | <u>Fee</u> | <u>Fee</u> | <u>Fee Description</u> |
|-------------|-------------|-------------|-------------|---|
| <u>Code</u> | <u>(\$)</u> | <u>Code</u> | <u>(\$)</u> | |
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$ 708.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u> | <u>Fee Paid</u> |
|---------------------|---------------------|------------------------|-----------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 105 | 130 | 205 | 65 |
| 127 | 50 | 227 | 25 |
| | | | |
| 139 | 130 | 139 | 130 |
| 147 | 2,520 | 147 | 2,520 |
| 112 | 920* | 112 | 920* |
| | | | |
| 113 | 1,840* | 113 | 1,840* |
| | | | |
| 115 | 110 | 215 | 55 |
| 116 | 400 | 216 | 200 |
| 117 | 920 | 217 | 460 |
| 118 | 1,440 | 218 | 720 |
| 128 | 1,960 | 228 | 980 |
| 119 | 320 | 219 | 160 |
| 120 | 320 | 220 | 160 |
| 121 | 280 | 221 | 140 |
| 138 | 1,510 | 138 | 1,510 |
| 140 | 110 | 240 | 55 |
| | | | |
| 141 | 1,280 | 241 | 640 |
| 142 | 1,280 | 242 | 640 |
| 143 | 460 | 243 | 230 |
| 144 | 620 | 244 | 310 |
| 122 | 130 | 122 | 130 |
| 123 | 50 | 123 | 50 |
| 126 | 180 | 126 | 180 |
| 581 | 40 | 581 | 40 |
| | | | |
| 146 | 740 | 246 | 370 |
| 149 | 740 | 249 | 370 |
| 179 | 740 | 279 | 370 |
| 169 | 900 | 169 | 900 |
| | | | |

Other fee (specify) _____

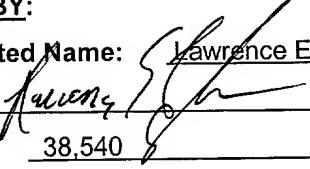
Other fee (specify) _____

SUBTOTAL (3) \$ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Lawrence E. Lycke

Signature:  Date: March 1, 2002

Reg. Number: 38,540 Telephone Number: (206) 292-8600

Our Reference: 004524.P078

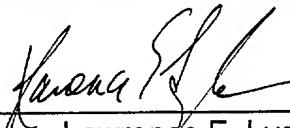
Patent

METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN
ASYNCHRONOUS COMMUNICATIONS CHANNEL

Inventors: J. Timothy Jackson

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP



Lawrence E. Lycke
Reg. No. 38,540

"Express Mail" mailing label number: EL861982689US

Date of Deposit: March 1, 2002

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Jenny Miller

(Typed or printed name of person mailing paper or fee)

Jenny Miller 3/1/02
(Signature of person mailing paper or fee) (Date signed)

Serial/Patent No.: Not yet assigned Filing/Issue Date: Herewith
Client: Terabeam Corporation
Title: METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN ASYNCHRONOUS COMMUNICATIONS CHANNEL
BSTZ File No.: 004524, P078 Atty/Secty Initials: LEI/jem
Date Mailed: March 1, 2002 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

Amendment/Response (____pgs.) Express Mail No EL861982689US Check No. 2046
 Appeal Brief (____pgs.) (in triplicate) Month(s) Extension of Time Amt: \$1,448.00
 Application - Utility (28 pgs., with cover and abstract) Information Disclosure Statement & PTO-1449 (____pgs.) Check No. _____
 Application - Rule 1.53(b) Continuation (____pgs.) Issue Fee Transmittal Amt: _____
 Application - Rule 1.53(b) Divisional (____pgs.) Notice of Appeal _____
 Application - Rule 1.53(b) CIP (____pgs.) Petition for Extension of Time _____
 Application - Rule 1.53(d) CPA Transmittal (____pgs.) Petition for _____
 Application - Design (____pgs.) Postcard _____
 Application - PCT (____pgs.) Power of Attorney (____pgs.) _____
 Application - Provisional (____pgs.) Preliminary Amendment (____pgs.) _____
 Assignment and Cover Sheet Reply Brief (____pgs.) _____
 Certificate of Mailing Response to Notice of Missing Parts _____
 Declaration & POA (5 pgs.) Small Entity Declaration for Indep. Inventor/Small Business _____
 Disclosure Docs & Orig & Transmittal Letter, in duplicate 3 pages each
Copy of Inventor's Signed Letter (____pgs.) Fee Transmittal, in duplicate 2 pages each
 Drawings: 5 # of sheets includes 7 figures
 Other *Certificate of mailing with copy of return postcard signed by attorney. Also S/B 35 for Non-publication.